

Amendments to the Claims

The listing of claims below is intended to replace all prior listings of claims presented in the above-identified application.

1. (currently amended) An isolated fragment of a hypersensitive response elicitor protein or polypeptide, wherein said fragment is selected from the group consisting of a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 ~~spanning~~ consisting of the following amino acids of SEQ ID NO: 23: 169 ~~and to~~ 403, 210 ~~and to~~ 403, 267 ~~and to~~ 403, or 343 ~~and to~~ 403; an internal fragment of the amino acid sequence of SEQ ID NO: 23 ~~spanning~~ consisting of the following amino acids of SEQ ID NO: 23: 150 ~~and to~~ 179, 137 ~~and to~~ 166, 121 ~~and to~~ 150, 76 ~~and to~~ 168, 105 ~~and to~~ 168, or 137 ~~and to~~ 156; and a fragment of the amino acid sequence of SEQ ID NO: 31 ~~spanning~~ consisting of amino acids 190 ~~and to~~ 294 of SEQ ID NO: 31 ~~and does not elicit a hypersensitive response but has other activity in plants, said other activity comprising imparting disease resistance, enhancing plant growth, controlling insects, or a combination of these other activities.~~

2-4 (canceled).

5. (currently amended) An isolated fragment according to claim 1, wherein the fragment is a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 ~~consisting of~~ spanning the following amino acids of SEQ ID NO: 23: 169 ~~and to~~ 403, 210 ~~and to~~ 403, 267 ~~and to~~ 403, or 343 ~~and to~~ 403.

6. (canceled).

7. (currently amended) An isolated fragment according to claim 1, wherein the fragment is an internal fragment of the amino acid sequence of SEQ ID NO: 23 ~~spanning~~ consisting of the following amino acids of SEQ ID NO: 23: 150 ~~and to~~ 179, 137 ~~and to~~ 166, 121 ~~and to~~ 150, 76 ~~and to~~ 168, 105 ~~and to~~ 168, or 137 ~~and to~~ 156.

8. (canceled).

9. (currently amended) An isolated fragment according to claim 1, wherein the fragment ~~contains~~ consists of amino acids 190 to 294 of SEQ ID NO: 31.

10-29 (canceled).

30. (currently amended) A method of imparting disease resistance to plants comprising:

~~applying~~ administering a fragment of a hypersensitive response elicitor protein or polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under conditions effective to impart disease resistance to the plant or a plant grown from the plant seed, ~~and wherein the fragment imparts disease resistance but does not elicit a hypersensitive response.~~

31. (currently amended) A method according to claim 30, wherein plants are treated during said ~~applying~~ administering.

32. (previously presented) A method according to claim 30 further comprising:

planting the seeds treated with the fragment of the hypersensitive response elicitor in natural or artificial soil and
propagating plants from the seeds planted in the soil.

33. (currently amended) A method of enhancing plant growth comprising:
~~applying~~ administering a fragment of a hypersensitive response elicitor protein or polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under conditions effective to enhance plant growth of the plant or of a plant grown from the plant seed, ~~wherein the fragment enhances plant growth but does not elicit a hypersensitive response.~~

34. (currently amended) A method according to claim 33, wherein plants are treated during said ~~applying~~ administering.

35. (previously presented) A method according to claim 33 further comprising:

planting the seeds treated with the fragment of the hypersensitive response elicitor in natural or artificial soil and
propagating plants from the seeds planted in the soil.

36. (currently amended) A method of insect control for plants comprising:
applying administering a fragment of a hypersensitive response elicitor protein
or polypeptide according to claim 1 in a non-infectious form to a plant or plant seed under
conditions effective to control insects, ~~wherein the fragment controls insects but does not~~
~~elicit a hypersensitive response.~~

37. (currently amended) A method according to claim 36, wherein plants
are treated during said ~~applying~~ administering.

38. (previously presented) A method according to claim 36 further
comprising:
planting the seeds treated with the fragment of the hypersensitive
response elicitor in natural or artificial soil and
propagating plants from the seeds planted in the soil.

39-47 (canceled).

48. (currently amended) An isolated fragment according to claim 5,
wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 169
~~and to~~ 403 of SEQ ID NO: 23.

49. (currently amended) An isolated fragment according to claim 5,
wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 210
~~and to~~ 403 of SEQ ID NO: 23.

50. (currently amended) An isolated fragment according to claim 5,
wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 267
~~and to~~ 403 of SEQ ID NO: 23.

51. (currently amended) An isolated fragment according to claim 5,
wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 343
~~and to~~ 403 of SEQ ID NO: 23.

52. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 150 ~~and to~~ 179 of SEQ ID NO: 23.

53. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 137 ~~and to~~ 166 of SEQ ID NO: 23.

54. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 121 ~~and to~~ 150 of SEQ ID NO: 23.

55. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 76 ~~and to~~ 168 of SEQ ID NO: 23.

56. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 105 ~~and to~~ 168 of SEQ ID NO: 23.

57. (currently amended) An isolated fragment according to claim 7, wherein the fragment has an amino acid sequence ~~spanning~~ consisting of amino acids 137 ~~and to~~ 156 of SEQ ID NO: 23.